

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO. 10431 of 2005

Between:

Chintagumpala Yogaiah S/o.Venkatadri, aged 53 years,
President of Grandhasiri Grampanchayath,

Grandhasiri Village, Atchempeta Mandal
Guntur District.

PETITIONER

AND

- 1 The District Panchayat Officer
Guntur District Guntur.
- 2 The Divisional Panchayat Officer
Guntur.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ in the nature of Certiorari by calling for the records pertains to the show cause notice in proceedings ROC.No.6513/2004-G1 dt.09-10-2004 of the 1st respondent, prohibiting the petitioner i.e., Ch.Yogaiah,Sarpanch of Grandhasiri Grampanchayat from drawing the general funds and authorizing the Extension Officer (PR & RD) to operate the Grampanchayat General funds, S.G.R.Y & E.F.C. and other funds is arbitrary, illegal (not conformity of the Rule 42(1) of Panchayat Raj Rules) and is violation of principles of natural justice consequently to set aside the show cause notice in proceedings.

Counsel for the Petitioner: MR.HARI BABU MANNER

**Counsel for the Respondent No.1 & 2: GP FOR PANCHAYAT RAJ & RURAL
DEV.**

The Court made the following :

ORDER:

Aggrieved of the order dated 9.10.2004, passed by the first respondent issuing show cause notice for the alleged irregularities in the administration of Gram Panchayat, in exercise of the powers under Sec. 41 of the A.P. Gram Panchayat Act, 1994, why he should be prohibited from drawing the moneys of Grandhasiri Gram Panchayath, the petitioner filed this writ petition.

The case of the petitioner is that he was elected as the President of the Grandhasiri Gram Panchayath and made several developmental activities. While so, on 9.10.2004 the first respondent issued the impugned show cause notice prohibiting the petitioner from drawing the moneys from the General Funds and other funds from the Sub Treasury, Pedakurapadu and he also directed Extension Officer (PR & RD), Atchempeta to operate the panchayath funds of the Gram Panchayat independently with the second signature of the Member during the interim period.

It is submitted by the learned counsel for the petitioner that in response to the show cause notice dated 9.12.2004, the petitioner submitted his explanation on 10.10.2004, but for the reasons best known to the respondents, the same was neither considered nor any orders were passed thereon and, therefore, it amounts to violation of the rights of the petitioner, as he is deprived of the drawing powers.

Having regard to these facts and circumstances, I deem it appropriate to dispose of the writ petition, with a direction to the District Panchayath Officer, Guntur District – 1st respondent herein, to consider and dispose of the matter pending before him within four weeks from the date of receipt of a copy of this order, after affording

an opportunity to the petitioner.

With this direction, the writ petition is disposed of. No order as to costs.

Elipе Dharma Rao, J

June 8, 2005

MAS.

To

1. The District Panchayat Officer
Guntur District Guntur.
2. The Divisional Panchayat Officer
Guntur.
3. 2 Copies to the Govt. Pleader for Panchayat Raj and Rural Development,
A.P. High Court buildings, Hyderabad.
4. 2 CD copies.

*Form-NIC-OGS/WP{**CHP**}*